United Nations S/PV.5680

Security Council

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Official communiqué of the 5680th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 23 May 2007, at 10 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 5680th meeting, held in private on 23 May 2007, the Security Council considered the item entitled 'The situation in Afghanistan'.

"The President, with the consent of the Council, invited the representative of Afghanistan to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"In accordance with the understanding reached in the Council's prior consultations, the President, with the consent of the Council, extended an invitation under rule 39 of the Council's provisional rules of procedure to Mr. Tom Koenigs, Special Representative of the Secretary-General for Afghanistan.

"Members of the Council heard a briefing by Mr. Koenigs.

"Mr. Koenigs and members of the Council had an exchange of views."

07-35574 (E) 230507

United Nations S/PV.5681

Security Council

Sixty-second year

Provisional

5681st meeting

Wednesday, 23 May 2007, 12.05 p.m.

New York

President:	Ms. Wolcott Sanders	(United States of America)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Ikouebe
	France	Mr. De Rivière
	Ghana	Mr. Yankey
	Indonesia	Mr. Budiman
	Italy	Mr. Mantovani
	Panama	Mr. Suescum
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Dolgov
	Slovakia	Mr. Matulay
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

The situation concerning Iraq

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The meeting was called to order at 12.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Iraq

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them photocopies of a letter dated 7 May 2007 from the Secretary-General addressed to the President of the Security Council concerning the escrow account attributable to the United Nations Monitoring, Verification and Inspection Commission established by resolution 1284 (1999). That letter will be issued as a document of the Council under the symbol S/2007/300.

Members of the Council also have before them the draft of a letter that I, as President of the Security Council, propose to send to the Secretary-General in reply to his letter, approving the proposal contained in the Secretary-General's letter that $694,771 plus €1,856,754 be transferred from the aforementioned escrow account to be credited against assessments issued in respect of the obligations of the Government of Iraq to the United Nations Industrial Development Organization and to meet its current obligation with respect to the regular, peacekeeping, Capital Master Plan and the International Tribunals for Rwanda and the former Yugoslavia budgets, respectively.

In the absence of objection, I shall consider that the Security Council endorses the proposal of the Secretary-General and agrees that I should send the letter as drafted to the Secretary-General.

It is so decided.

The reply will be issued as a document of the Council under the symbol S/2007/301.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.10 p.m.

United Nations S/PV.5682

Security Council

Sixty-second year

Provisional

5682nd meeting

Wednesday, 23 May 2007, 12.10 p.m.

New York

President:	Ms. Wolcott Sanders	(United States of America)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Ikouebe
	France	Mr. De Rivière
	Ghana	Mr. Yankey
	Indonesia	Mr. Budiman
	Italy	Mr. Mantovani
	Panama	Mr. Suescum
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Dolgov
	Slovakia	Mr. Matulay
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

The situation in Timor-Leste

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The meeting was called to order at 12.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Timor-Leste

The President: I should like to inform the Council that I have received a letter from the representative of Timor-Leste, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Santos (Timor-Leste), took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the announcement of the results of the presidential elections in Timor-Leste, and congratulates Mr. José Ramos-Horta on his election as President, and looks forward to working with the new Government to help build a better future for Timor-Leste.

"The Security Council congratulates the Timorese people for demonstrating their strong commitment to peace and democracy, and commends the presidential candidates for the peaceful manner in which they conducted their campaigns. The Council pledges its continued support for the Government and people of Timor-Leste as they embark on another step aimed at strengthening the foundations of democracy and assume their rightful place in the community of nations.

"The Security Council expresses its concern over the still fragile and volatile security, political, social and humanitarian situation in Timor-Leste. The Council emphasizes the importance of all parties continuing to work together in a spirit of cooperation and compromise in order to consolidate progress made by Timor-Leste in recent years and to enable the country to move to a peaceful and more prosperous future.

"The Security Council expresses its sincere appreciation for the central role played by the National Commission on Elections (CNE) and the Technical Secretariat for Electoral Administration (STAE) in preparing and organizing the presidential elections. It commends the Timorese National Police (PNTL) and the United Nations Integrated Mission in Timor-Leste (UNMIT) Police, with the support of the international security force, for providing security during the electoral process.

"The Security Council commends the invaluable support provided for the preparations and holding of the elections by UNMIT and regional and international partners. It also expresses its appreciation for the role played by domestic and international electoral observers and encourages further such support for parliamentary elections.

"The Security Council pays tribute to the donor community for the assistance they have provided to Timor-Leste and encourages the international community as a whole to continue to assist the country as it enters another stage in the process of peace consolidation, reconstruction and recovery.

"The Security Council calls upon the Government of Timor-Leste to continue to confront the challenges facing the country. It underlines that while the manifestations of the current challenges in Timor-Leste are political and institutional in nature, poverty and its associated deprivations also contributed to these challenges.

"The Security Council calls upon all parties in Timor-Leste to ensure that the upcoming parliamentary elections scheduled for 30 June 2007 take place in a free, fair and peaceful environment.

"The Security Council expresses its continued support for the work of UNMIT under the leadership of the Special Representative of the Secretary-General, Mr. Atul Khare, and encourages UNMIT, in accordance with its mandate, to continue to cooperate and coordinate with the United Nations agencies, funds and programmes, as well as all relevant partners, to support the Government of Timor-Leste."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2007/14.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.15 p.m.

Security Council

Sixty-second year

Provisional

5683rd meeting

Thursday, 24 May 2007, 10 a.m.
New York

President:	Mr. Khalilzad	(United States of America)
Members:	Belgium	Mr. Verbeke
	China	Mr. Wang Guangya
	Congo	Mr. Ikouebe
	France	Mr. De Rivière
	Ghana	Mr. Christian
	Indonesia	Mr. Kleib
	Italy	Mr. Spatafora
	Panama	Mr. Arias
	Peru	Mr. Ruiz Rosas
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Mlynár
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

The situation in the Middle East, including the Palestinian question

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07-35671 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to whom I give the floor.

Mr. Pascoe: Recent events starkly illustrate just how volatile the Middle East conflict remains and how sizeable the obstacles are to progress towards peace.

One immediate concern must be ending the violence that has erupted in Gaza and has extended to southern Israel. The longer it continues, the greater the risk of escalation, and the greater the threat to both the survival of the National Unity Government and to the prospects for any fruitful Israeli-Palestinian dialogue. Leaders on all sides have a responsibility to do their utmost to rein in the violence.

In Lebanon, we have also seen a dangerous outbreak of violence. The armed clashes between the Lebanese Armed Forces and the Fatah al-Islam gunmen around a Palestinian refugee camp have added a new and explosive element to an already tense situation.

The factional fighting in Gaza erupted soon after the resignation of Palestinian Interior Minister Hani Kawasmeh on 14 May. It included brutal urban warfare involving clashes of Hamas militants and Executive Force members with Palestinian Authority security forces and Fatah armed gangs. The Karni crossing was attacked by Hamas gunmen, as was the home of a senior security official affiliated with Fatah. Battles took place in residential areas, with no regard for the safety of civilians. All told, the upsurge in inter-factional violence this month has left 68 Palestinians dead and more than 200 wounded.

The Secretary-General has repeatedly called for an en to the violence. Egypt is to be commended for its continuing efforts to mediate. In order to address the situation comprehensively, Palestinian leaders must live up to their responsibilities to bring law and order to areas under Palestinian control and to reform the security forces.

Rocket fire against Israel escalated significantly, with more than 270 rockets fired during the reporting period. Rockets have hit homes and schools in Sderot and the Israeli Government has declared the area an emergency zone. An Israeli woman was killed on 21 May. In addition to the other aforementioned casualties, many residents have been evacuated. The Secretary-General has emphasized the need for the rocket fire to cease.

In response to the rocket fire, Israeli tanks entered the Gaza Strip for the first time since the ceasefire was agreed in November last year. The Israeli Air Force has conducted air strikes aimed at militants and facilities. However, there have been civilian casualties, including six family members of a Hamas Legislative Council member, who were killed in a single strike on their home. All told, in Israeli-Palestinian violence this month, militant rocket fire has killed 1 Israeli and injured at least 16, together with dozens treated for trauma, while Israel Defense Forces (IDF) air strikes and ground incursions have killed 57 Palestinians and injured at least 175 others, with children accounting for six of the dead.

While recognizing the right of Israel to defend itself, the Secretary-General has called on Israel to ensure that its actions do not target civilians or put them at undue risk. All parties must abide by the basic tenets of applicable international law. The Secretary-General has spoken to both President Abbas and Foreign Minister Livni and has urged them to do all possible to calm the situation and to exercise control and restraint, respectively. With rocket fire continuing, militants threatening to resume suicide bombings and the Government of Israel announcing its determination to intensify its actions, there is a great danger of escalation.

United Nations operations and personnel face real dangers. On 7 May, an internal Palestinian clash outside a school in Rafah operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East left one person dead and eight injured, including two children. British journalist Alan Johnston, who was kidnapped on 12 March 2007, has not yet been released. There has been no further movement on the release of Israeli Corporal Shalit, who was captured by Palestinian militants on 25 June 2006, or on Palestinian prisoners. Yesterday, Israel arrested some 30 Hamas officials, including elected mayors and legislators. The most prominent arrestee is Mr. Nasser Eddin Al-Sha'er, the Palestinian Minister of Education, who was active in the negotiations to form the National Unity Government.

There has been no action towards a freeze in settlement construction or in the dismantlement of settlement outposts. Nor have the settlers I reported on last month been evicted from the buildings in central Hebron despite an order from the Defence Minister. In early May, a plan for three further settlements in East Jerusalem, comprising another 20,000 housing units, received preliminary approval. The Secretary-General has expressed his concern about these plans and stated that a halt to settlement expansion is one of the basic obligations in phase one of the Quartet's Road Map. He noted that, as occupied territory, the final status of East Jerusalem is subject to negotiations between the parties. Construction on the wall continued throughout the reporting period, contrary to the advisory opinion of the International Court of Justice.

This month there was slight improvement in movement in the Jordan Valley. However, commitments to ease movement and access in the West Bank remain unmet. A total of 549 physical obstacles to movement were in place as of 15 May 2007, a slight increase from last month. Closure levels have doubled since the Agreement on Movement and Access was concluded 18 months ago. Serious action is long overdue. A recent World Bank report underscores the relationship between Israeli restrictions on Palestinian freedom of movement and continuing Palestinian economic collapse. Obstacles and a permit regime have divided the West Bank into 10 economically isolated enclaves, denying Palestinians access to some 50 per cent of the West Bank.

In the Gaza Strip, the number of trucks exporting in April was only 11 percent of the targets decided on in the Agreement on Movement and Access. Due to the upsurge in violence, Karni was closed between 15 and 20 May and has reopened only sporadically since then. As of 21 May, the Rafah crossing was open for only five days of the month. It is good, however, that the European Union Border Assistance Mission at Rafah is being renewed.

United Nations staff members and other humanitarian workers crossing into Israel continue to face arbitrary and sometimes humiliating treatment by Israeli authorities. The United Nations continues to follow up access issues faced by our staff and other humanitarian workers with the Ministry of Foreign Affairs.

The recent United States decision not to block bank transfers to Palestinian accounts, the re-establishment of the single treasury account and the ongoing efforts by Finance Minister Salaam Fayyad to re-start a transparent and accountable budget process should be welcomed and supported by all. The Norwegian Government plans in the near future to transfer $10 million to the Palestine Liberation Organization account. We also welcome Arab efforts to provide financing but stress that the major step required is the resumption of the transfer of tax revenues withheld by Israel, now amounting to approximately $1 billion. In addition, the temporary international mechanism continues to provide a transparent, efficient means to transfer payments to public service providers and the most vulnerable Palestinians.

In the reporting period, Israeli politics have been dominated by the release of the interim Winograd report, which was critical of the conduct of last year's conflict with Hizbullah, while noting that there had been inadequate attention given to trying to reach peace agreements with Israel's neighbours. The final report is due to be released in August.

There have been no further bilateral meetings between Prime Minister Olmert and President Abbas since 15 April. The next meeting is tentatively scheduled for 11 June. United States Secretary of State Condoleezza Rice postponed a planned trip to the region. However, the United States-proposed benchmarks on security and Agreement on Movement and Access implementation have been shared with the parties. These benchmarks reportedly provide for enhanced operations at the Karni and Rafah crossing

points, as well as for easing the restrictions on movement in the West Bank and between the West Bank and Gaza.

Efforts to promote the Arab Peace Initiative, which was reaffirmed by Arab League members at their summit meeting in Riyadh in March, have continued. During the reporting period, dialogue took place between Israeli, Jordanian and Egyptian officials at the highest levels, including a meeting of Foreign Minister Livni with her Jordanian and Egyptian counterparts in Cairo on 10 May, and Prime Minister Olmert and King Abdullah of Jordan on 15 May. A ministerial-level follow-up meeting is anticipated in Israel in the coming weeks.

Quartet members held a positive informal exchange of views in Sharm el-Sheikh with members of the committee of the Arab League tasked with implementing the Arab Peace Initiative. The Secretary-General strongly encourages all concerned to continue to discuss the next steps required to benefit from this important initiative, which provides the framework for a comprehensive settlement of the Arab-Israeli conflict, consistent with Security Council resolutions 242 (1967) and 338 (1973). He will continue to convey this in his discussions with the Quartet when he joins them next week in Berlin.

I shall turn now to Lebanon, where the security situation has deteriorated drastically over the reporting period. On 20 May, heavy fighting erupted between the Lebanese Armed Forces (LAF) and Fatah al-Islam gunmen in Tripoli in northern Lebanon and around the Nahr al-Bared Palestinian refugee camp. The fighting began following a police effort to arrest, in Tripoli, Fatah al-Islam militants suspected in a bank robbery which had taken place a day earlier. The militants resisted arrest, and a gun battle ensued which spread to the surrounding streets. Fatah al-Islam gunmen subsequently attacked the Lebanese Army positions at the entrance to Nahr el-Bared refugee camp, killing soldiers. Heavy fighting continued through Monday and Tuesday. According to security and the media, approximately 32 Lebanese soldiers and 22 members of Fatah al-Islam have been killed since the fighting erupted on Sunday.

The situation faced by civilians in the camp is extremely difficult. According to Palestinian sources in the camp, thousands initially fled their homes on the edges of the camp, where fighting was most intense, to shelter deeper inside the camp. During a truce on Tuesday and Wednesday, at least 15,000 refugees fled the camp. Dozens of homes are reported to have been destroyed, and civilian casualties and public health issues are reported to be mounting. Much of the camp's supply of medicine, water and electricity is reported to have been interrupted.

Because of the heavy fighting, UNRWA has been able to send only one convoy to the camp to provide humanitarian assistance. Three of the six convoy vehicles were completely destroyed or heavily damaged when the convoy came under attack. Fortunately, there was no report of any injury to staff. Although it has not been possible to confirm them independently, reports indicate that at least 27 civilians have been killed and approximately 70 others wounded since the fighting erupted.

Major Palestinian factions in Lebanon expressed concern over the incidents and dissociated themselves from Fatah al-Islam. Palestinian representatives in Lebanon, together with several Palestinian local leaders, continued their meetings with Lebanese officials to ensure the safety and protection of Palestinian civilians during the fighting.

The Lebanese Government has expressed determination to confront the group and has also reiterated its position that only the Lebanese Army and security forces should carry weapons. There has been general Lebanese and Palestinian support for that approach. However, there are real concerns in Lebanon that instability could spread to other camps.

The Secretary-General and his Special Coordinator for Lebanon have issued statements strongly condemning the criminal actions of Fatah al-Islam as attacks on Lebanon's stability and sovereignty. The Secretary-General has called on all sides to do their utmost to protect innocent civilians. He deplored the attacks on UNRWA's humanitarian supply convoy and called for the immediate establishment of safe corridors to allow medical staff to assist and evacuate those in need. The Secretary-General has maintained close contact with Prime Minister Siniora of Lebanon and has talked over the phone with leaders in the region, including King Abdullah II of Jordan and the Foreign Ministers of Egypt, Saudi Arabia, Iran and Syria. He has spoken with the Secretary-General of the League of Arab States, Mr. Amre Moussa, and notes the statement of

the Council of the Arab League supporting the efforts of the Government of Lebanon to maintain peace and stability.

In addition to the events in northern Lebanon, on the night of 20 May a large explosion in Beirut killed one person, injured at least 18 others and caused extensive damage to buildings in the Achrafiye neighbourhood. On 21 May, another powerful terror attack took place in Beirut's Verdun neighbourhood. There were no reports of fatalities, but hospitals confirmed that at least seven people were wounded. On 23 May, at least 16 people were injured when a third explosion targeted the main commercial street in the town of Aley.

Last month, on 23 April, two youths whose families support the Progressive Socialist Party of Walid Jumblat were abducted and murdered. Political and religious leaders from across the spectrum in Lebanon condemned the killings, called for calm and asked their supporters to exercise restraint and allow the competent authorities to deal with the perpetrators.

In southern Lebanon, the strength of the United Nations Interim Force in Lebanon (UNIFIL) stands at just over 13,000. During the reporting period the overall situation along the Blue Line remained calm, although there have been a number of tense stand-offs between IDF and LAF soldiers at various points along the Line. In all cases, swift intervention from UNIFIL has helped to de-escalate the situation.

Ongoing tensions have also been reflected in a number of provocative billboards erected by Hizbullah. In addition, Israeli aerial violations of the Blue Line have continued on a regular basis, in direct violation of resolution 1701 (2006). The United Nations reiterates its call on Israel to cease its violations of Lebanese airspace.

Finally, pursuant to the presidential statement issued on 17 April 2007 (S/PRST/2007/12), the Secretary-General informed the Security Council, in a letter dated 23 May 2007, that arrangements for dispatching an independent mission to Lebanon to assess the monitoring of Lebanese-Syrian border security have concluded. Security circumstances permitting, the mission will be dispatched to Lebanon early next week.

In conclusion, as the Council is aware, the Secretary-General has appointed Mr. Michael Williams as the new Special Coordinator for the Middle East Peace Process and his Personal Representative to the Palestine Liberation Organization and the Palestinian Authority. I had hoped that the new Special Coordinator could be with us today, but the Secretary-General has dispatched him urgently to the region. He begins consultations today with senior Israeli and Palestinian officials, and will then travel to Cairo for meetings with the League of Arab States and the Government of Egypt. He will brief the Secretary-General before the Quartet meeting to be held in Berlin on 30 May.

The President: I thank Mr. Pascoe for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.25 a.m.

United Nations S/PV.5684

Security Council

Sixty-second year

Provisional

5684th meeting

Friday, 25 May 2007, 4.15 p.m.

New York

President:	Mr. Khalilzad	(United States of America)
Members:	Belgium	Mr. Verbeke
	China	Mr. Li Junhua
	Congo	Mr. Mbou-Mylondo
	France	Mr. Lacroix
	Ghana	Mr. Yankey
	Indonesia	Mr. Kleib
	Italy	Mr. Spatafora
	Panama	Mr. Suescum
	Peru	Ms. Tincopa
	Qatar	Mr. Al-Qahtani
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

Reports of the Secretary-General on the Sudan

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07-35950 (E)

The meeting was called to order at 4.15 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them photocopies of a letter dated 23 May 2007 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur. That letter will be issued as a document of the Council under the symbol S/2007/307.

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

> "The Security Council welcomes the transmission of the report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur, which contains recommendations regarding a mandate and a structure for the Hybrid Operation, details on the various components of the proposed operation and their specific tasks, and a description of the ongoing efforts of the international community to support the peace process in Darfur and to strengthen the African Union Mission in the Sudan (AMIS).
>
> "The Security Council notes that agreement between the African Union and the United Nations on this joint report is an important development in the comprehensive approach to the peace process in Darfur, which also includes re-energizing the political process; strengthening the ceasefire; and implementing the three-phase approach to peacekeeping, culminating in an African Union-United Nations Hybrid Operation.
>
> "The Security Council calls for the full implementation without delay of the United Nations Light and Heavy Support Packages of assistance to AMIS, as well as for the report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation to be considered and taken forward immediately. The Security Council further demands that all parties meet their international obligations; support the political process; end violence against civilians and attacks on peacekeepers; and facilitate humanitarian relief."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2007/15.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 4.20 p.m.

United Nations S/PV.5685

Security Council

Sixty-second year

Provisional

5685th meeting

Wednesday, 30 May 2007, 3 p.m.

New York

President:	Mr. Khalilzad	(United States of America)
Members:	Belgium	Mr. Verbeke
	China	Mr. Wang Guangya
	Congo	Mr. Gayama
	France	Mr. De La Sablière
	Ghana	Mr. Christian
	Indonesia	Mr. Kleib
	Italy	Mr. Spatafora
	Panama	Mr. Suescum
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

The situation in the Middle East

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07-36208 (E)

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: I should like to inform the Council that I have received a letter from the representative of Lebanon, in which she requests Lebanon to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite the representative of Lebanon to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to the Minister of Culture and Minister of Foreign Affairs ad interim of Lebanon, His Excellency Mr. Tarik Mitri.

At the invitation of the President, Mr. Mitri (Lebanon) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/315, which contains the text of a draft resolution submitted by Belgium, France, Italy, Slovakia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Members also have before them documents S/2007/281 and S/2007/286, containing two letters dated 15 May and 16 May 2007, respectively, addressed to the President of the Security Council from the Secretary-General.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): I feel it incumbent upon me first and foremost to affirm our firm, established position of advocating the need to establish justice and oppose impunity, in line with the objective set out in the United Nations Charter of creating conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

Like others, we continue to call for the truth to be brought to light regarding the crime of the assassination of the former Prime Minister of Lebanon, Mr. Rafiq Hariri, pursuant to the desire of the fraternal Lebanese people, in all its factions, to punish the perpetrators of that outrageous crime.

In that spirit, we did not hesitate to support the establishment of the Independent International Investigation Committee, and voted in favour of relevant Security Council resolutions that paved the way for the establishment of the Special Tribunal for Lebanon, which enjoys the consensus endorsement of all Lebanese factions. In a letter dated 21 November 2006, addressed to the President of the Security Council, the State of Qatar clearly indicated its position on the legal aspects of the constitutional process by which agreement was reached between the Lebanese Government and the United Nations to establish the Tribunal.

The State of Qatar remains committed to helping Lebanon seek the truth, hold accountable all those involved in those crimes and bring them to justice, while placing the interests of fraternal Lebanon at the top of our priorities so as to ensure the maintenance of its independence, sovereignty, national unity and political stability.

While committed to uncovering the truth and to the establishment of the Special Tribunal to try whoever may be implicated in the crime, we feel that the draft resolution before the Council now entails legal encroachments known to all. That may not promote national détente and could further complicate the situation in a country that is at present in dire need of national cohesion and political stability.

In spite of those difficulties, we were quite willing to consider the draft resolution in a positive

spirit, with the aim of arriving at a consensus formula. The State of Qatar supports the establishment of the tribunal to punish the perpetrators of that outrageous crime. However, the insistence of the sponsors to present the draft resolution under Chapter VII — although all Security Council resolutions are binding, in accordance with Article 25 of the Charter — goes beyond its designated aim of endorsing the establishment of the tribunal, especially in the light of the complicated and delicate political situation in Lebanon. We are simply apprehensive that the adoption of the draft resolution under Chapter VII will not serve to bring stability to that country.

In the light of the foregoing, we shall abstain in the voting on the draft resolution before us. At the same time, we will continue our good offices to bring points of view in Lebanon closer, in the interest of national unity and to ensure endorsement of the establishment of the tribunal through national mechanisms and in accordance with article 19 of the agreement to establish the tribunal.

Mr. Kleib (Indonesia): My delegation wishes to explain its position before the voting on the draft resolution on the special tribunal for Lebanon.

Impunity must not be tolerated; justice must prevail. Those who are found responsible for the assassination of the late Prime Minister Hariri and for other related assassinations must therefore be brought to justice. Indonesia is committed to support the pursuit of truth and justice. We support the work of the International Independent Investigation Commission and the extension of its mandate. We also have a strong commitment to making a constructive contribution to the efforts to promote peace and stability in Lebanon.

We take note of the Lebanese Prime Minister's request for the Council to take a binding decision on the establishment of a special tribunal for Lebanon. The draft resolution before us today has been based on that request. However, the Council should not fail to take into consideration that there is no unified voice among Lebanese leaders. The domestic political situation in Lebanon has created difficulty for the international community to act further on that request.

On the draft resolution, my delegation considers that it has changed the legal nature of article 19 of the agreement, which clearly states that the agreement shall enter into force on the day after the Government of Lebanon has notified the United Nations that the internal legal requirements for its entry into force have been met. If the draft resolution is adopted, it will bypass constitutional procedure and national processes.

There are no legal grounds for the Security Council to take over an issue that is domestic in nature. Article 2, paragraph 7, of the Charter of the United Nations stresses that nothing contained in the Charter shall authorize the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any State. Although that provision does not prejudice the application of enforcement measures under Chapter VII, the Security Council should not be involved in an exercise of interpreting, let alone taking over, the constitutional requirements that a State should comply with in the conduct of its authorities.

Before taking action on the draft resolution, which is intended to uphold justice, the Council should fully consider the domestic situation in Lebanon. The forceful interference by the Security Council in the national constitutional process as regards the establishment of the tribunal will not serve the greater interests of the Lebanese people, namely, reconciliation, national unity, peace and stability. The search for justice should neither create new problems nor exacerbate the already intricate situation in Lebanon.

In the light of the foregoing considerations, my delegation will abstain on the voting on the draft resolution.

Mr. Kumalo (South Africa): South Africa unequivocally condemns the assassinations of the former Lebanese Prime Minister, Mr. Rafiq Hariri, and other Lebanese leaders. Indeed, there is a consensus within Lebanon and internationally on the need for the United Nations to assist the Lebanese authorities in their efforts to bring to justice those responsible for those grave crimes and to end all impunity. It is for that reason that the United Nations International Independent Investigation Commission was set up to assist Lebanon with its criminal investigation. The decision was also taken to set up a special tribunal comprised of Lebanese and international jurists and prosecutors located outside Lebanon to prosecute any persons identified by the investigation and the Lebanese authorities as suspects in the assassination of former Prime Minister Rafiq Hariri and other Lebanese leaders.

South Africa fully supports the establishment of the tribunal and expects it to operate with impartiality and in accordance with Lebanese law and the highest international standards of criminal justice. My delegation regards Lebanese ownership of the tribunal as being of paramount importance and believes that it is incumbent upon the Lebanese authorities and people to reach a consensus position on the matter. Therefore, we still hold out the hope that the Lebanese parties can use the period specified in the draft resolution — between now and 10 June 2007 — to come to a political agreement on the tribunal, and not leave it to be imposed upon Lebanon.

We maintain that it is not appropriate for the Security Council to impose such a tribunal on Lebanon, especially under Chapter VII of the Charter of the United Nations. In that regard, my delegation has frequently cautioned that the Security Council should be judicious in its invocation of Chapter VII of the Charter. We also do not believe that the Council has the right to bypass the procedures required by the Lebanese Constitution for the entry into force of an agreement with the United Nations. In discarding the Lebanese Constitution the Security Council is contravening its own decision regarding the need to respect the sovereignty, territorial integrity, unity and political independence of Lebanon.

The Security Council is mandated to act with impartiality and without bias. It cannot be seen to be taking sides in internal Lebanese politics. There is a danger that the imposition of the special tribunal on Lebanon without the consent of all the parties concerned will detrimentally affect the political stability of the already fragile Lebanese State. It will also politicize international criminal law, thereby undermining the very foundations of international law.

Furthermore, we have concerns about the precedent that this draft resolution will set. The principle of national consensus in establishing international tribunals is an important aspect of peacebuilding and national reconciliation.

Therefore, regrettably, South Africa will abstain in the voting on the draft resolution before us.

Mr. Wang Guangya (China) (spoke in Chinese): The Chinese delegation will abstain on the draft resolution before us.

We deeply deplore the unfortunate assassination of Mr. Hariri, former Prime Minister of Lebanon. China has consistently supported the fair and independent investigation of the case by the United Nations International Independent Investigation Commission. We understand and support the request of all Lebanese parties for the establishment a special tribunal. We hope that that initiative will help to establish the truth as soon as possible, hold the perpetrators accountable and ensure justice for the victims.

China notes the political consensus among all Lebanese parties on the establishment of the Special Tribunal, as well as the divergence of views regarding procedural matters. We hope that political and diplomatic efforts will assist the parties in reaching a consensus as soon as possible. Only a special tribunal that enjoys universal support among all Lebanese factions can genuinely play a role in contributing to the achievement of justice and the maintenance of peace and stability in Lebanon. The point of departure and the focus of Security Council assistance should be to help to resolve real problems without further complicating an already very complex problem.

The establishment of the Special Tribunal is, in essence, Lebanon's own internal affair. Lebanon's domestic laws provide the legal basis for the operation. It is therefore only reasonable that Lebanon should, in accordance with its constitutional procedures, complete the domestic legal process required for the entry into force of the agreement. That is explicitly provided for in the agreement between United Nations and Lebanon on the establishment of the Tribunal. As a result of the special circumstances prevailing in Lebanon, that process has encountered major difficulties, which is a cause of great concern for us.

China believes that by invoking Chapter VII of the Charter, the resolution will override Lebanon's legislative organs by arbitrarily deciding on the date of the entry into force of the draft statute. This move will give rise to a series of political and legal problems that are likely to add to the uncertainty surrounding the already turbulent political and security situation in Lebanon and create a precedent of Security Council interference in the domestic affairs and legislative independence of a sovereign State. Such actions are likely to undermine the authority of the Council, as they are not in conformity with the long-term interests of either of the parties.

During the course of deliberations on the draft resolution before us, China, together with other members of the Council, expressed the hope that the sponsors would listen attentively and respond to our concerns by further revising the draft so as to make it more balanced and prudent. Regrettably, however, our recommendations were not adopted. That being the case, China will have no choice but to abstain.

The situation in the Middle East is extremely complex and convoluted. Various factors are interlinked, and one drop in a pool of water has a big ripple effect. It is our hope that at this difficult moment the Lebanese people will stand united in maintaining the security and stability of the nation and promoting the process of national reconciliation. It is essential that the Security Council, while addressing related issues, take fully into account the unique and complex situation in the Middle East and refrain from triggering new tensions or turbulence in the region.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian Federation has consistently advocated establishing the truth with respect to the murder of Rafik Hariri. The perpetrators of that crime must be brought to justice. We fully share with the sponsors of the draft resolution their primary objective of preventing impunity and political violence in Lebanon. Given the fragility of the domestic situation in Lebanon, it is essential that the Council take a balanced and considered decision with a view to promoting harmonious relations among the Lebanese people.

Given the deep rift within Lebanese society and Government structures, this matter must be pursued so that the practical implementation of the draft resolution does not face serious difficulties that could lead to negative consequences for the country and the region as a whole. During consultations on the draft resolution, the Russian Federation made a number of constructive proposals that could have considerably improved the text. The draft should have focused on the implementation, under a Council decision, of the agreement between the United Nations and Lebanon, not on the entry into force of the agreement.

The arrangement chosen by the sponsors is dubious from the point of view of international law. The treaty between the two entities — Lebanon and the United Nations — by definition cannot enter into force on the basis of a decision by only one party. The constituent documents for the Tribunal, imposed by a unilateral decision of a United Nations body — that is, a Security Council resolution — essentially represent an encroachment upon the sovereignty of Lebanon.

We do not believe that the establishment of a special tribunal by decision of the Council under Chapter VII of the Charter is warranted. There is no basis for a reference to Chapter VII in the draft resolution. United Nations practice in establishing tribunals shows that Chapter VII has been invoked only for the International Criminal Tribunal for the Former Yugoslavia and for the International Criminal Tribunal for Rwanda, which deal with crimes of genocide, crimes against humanity and war crimes — that is, international crimes. The jurisdiction of the Special Tribunal for Lebanon would not cover such crimes. By its nature, the Tribunal is a mixed body with considerable Lebanese participation that operates on the basis of the applicable criminal procedures of Lebanon.

The Tribunal is being established for Lebanon, and it is important to heed the views of all the Lebanese people on this critical issue. In this regard, it would have been justifiable to have the preambular part of the draft resolution include a reference not only to the letter from the Prime Minister of Lebanon, Fouad Siniora, but also to that from the country's President, Emile Lahoud.

The language proposed by Russia has not been reflected in text of the draft resolution. Given that fact, we intend to abstain in the vote on the draft resolution. We regret the fact that putting a draft resolution with considerable legal shortcomings to a vote in such a hasty manner will not allow the Russian Federation and a number of other members of the Security Council to support it.

The President: The Council will now proceed to take a decision on the draft resolution (S/2007/315) before it.

A vote was taken by show of hands.

In favour:

Belgium, Congo, France, Ghana, Italy, Panama, Peru, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

China, Indonesia, Qatar, Russian Federation, South Africa

The President: The result of the voting is as follows: ten votes in favour, none against and five abstaining. The draft resolution has been adopted as resolution 1757 (2007).

Mr. De La Sablière (France) (*spoke in French*): France welcomes the adoption of resolution 1757 (2007) which, in response to the request of the Government of Lebanon, will enter into force on 10 June 2007, unless an internal solution is found before then with respect to the provisions of the Agreement on the establishment of a Special Tribunal for Lebanon.

This is an important decision for several reasons. The first is justice, as it opens the way to the trial of those guilty of the attack that took the life of former Lebanese Prime Minister Rafik Hariri on 14 February 2005 and other terrorist attacks committed in Lebanon since October 2004. It establishes essential continuity with the International Independent Investigation Commission.

It is also important for peace in Lebanon. Justice cannot stand in the way of stability. The rejection of impunity, shared by all Lebanese, is an essential guarantee of peace.

It is, finally, an important decision for the credibility of the United Nations — and of the Security Council in particular, whose commitment to finding the truth in Lebanon has been unflagging.

The Council can take pride today in not having resigned itself to the ongoing impasse of which the Lebanese Government and the Secretary-General and his Legal Counsel had on several occasions informed it. The Council can be proud that it has shouldered its responsibility by helping Lebanon to overcome the obstacles that it was facing and to proceed along the path to recovering its independence and its sovereignty.

Sir Emyr Jones Parry (United Kingdom): The United Kingdom welcomes the adoption of resolution 1757 (2007). The proposed Tribunal is vital for Lebanon, for justice and for the region. The establishment of the Tribunal through Lebanese internal procedures had been thwarted. The Council, for its part, has been asked to adopt a binding decision to create the Tribunal.

This is not a capricious intervention or interference in the domestic political affairs of a sovereign State. It is a considered response by the Council, properly taken, to a request from the Government of Lebanon for action to overcome a continued impasse in Lebanon's internal procedures, despite long and serious efforts to find a solution within Lebanon.

It is a long-held United Kingdom view that, to make this decision binding, it was necessary for such a resolution, inter alia, to be taken under Chapter VII. The use of Chapter VII carries no connotation other than that it makes this resolution binding. That is why the United Kingdom supported this resolution. We hope that all parties in Lebanon will now be able to move forward together to take the necessary decisions to build upon this formal establishment of the Tribunal.

Mr. Voto-Bernales (Peru) (*spoke in Spanish*): Peru decided to support this resolution because of its commitment to the fight against impunity and its firm position on combating terrorism and because it is of the view that this resolution is the only way to overcome the legislative impasse regarding the establishment of the Special Tribunal for Lebanon, given the need to ensure that justice prevails, which is essential in promoting peace and security.

Peru has taken into account that the majority of the Lebanese parliament has given ample proof of its strong determination to approve the agreement establishing a special tribunal to try the persons who have been identified by the International Independent Investigation Commission as the presumed perpetrators of the politically motivated crimes executed by means of terrorist acts. Therefore, we hope that the Lebanese parliament can be convened so that it can complete the internal constitutional process for adoption and ratification within the time schedule envisaged in the resolution we have just adopted.

In supporting this resolution, given the exceptional political circumstances that exist, Peru reaffirms its respect for and commitment to international law. Thus, recognizing the particular circumstances of the case, we believe that the agreement signed between Lebanon and the United Nations by means of a resolution, in exercise of the powers of the Security Council as provided for in Chapter VII of the Charter of the United Nations, must not constitute a precedent beyond this particular case.

Mr. Verbeke (Belgium) (*spoke in French*): Belgium voted for the resolution under consideration. Through this resolution, the Security Council confirms the consistent stance that has governed its continuous commitment to stability and peace in a sovereign and independent Lebanon. The duty of justice and the fight against impunity are essential for the stability of Lebanon. This constancy has always guided the Council in its work with respect to the establishment of the International Independent Investigation Commission and of the international tribunal.

It is this same assessment that guided my delegation to support and sponsor this new resolution. This resolution does not prejudice an agreement that remains to be reached among the Lebanese and which we continue to call for. By adopting resolution 1757 (2007) today, the Security Council has provided unreserved support to the efforts of the Government to strengthen the rule of law that all Lebanese deserve.

Mr. Matulay (Slovakia): We welcome the adoption of resolution 1757 (2007). We have supported this resolution because we believe that impunity should not be allowed and tolerated. The perpetrators of any crime have to be brought to justice. The rule of law must be respected everywhere and by everybody. The establishment of the Tribunal is necessary for a thorough investigation of the cases of politically motivated violence — in fact, terrorism — and for bringing perpetrators of these outrageous crimes to justice.

As all available means have unfortunately been exhausted on an issue that could not be solved through Lebanese constitutional means, the Security Council had to resume its responsibility and ensure the implementation of the agreement between the United Nations and the Lebanese Republic through a legally binding resolution.

We believe that the resolution of this issue will contribute to the stabilization of the situation in Lebanon and to the process of national reconciliation.

Mr. Spatafora (Italy): I just want to add my voice to the voices of the other sponsors. With this resolution, we have wanted to demonstrate a strong support for the Government of Lebanon, a strong support for the sovereignty and independence of Lebanon, and a belief that justice is a condition for the reconciliation and therefore the stability of the country. We truly hope that in the coming days and weeks the internal forces and players in Lebanon will find a way and the right path to implement the agreement.

The President: I shall now make a statement in my capacity as representative of the United States of America.

We welcome the adoption of resolution 1757 (2007) on the establishment of the Special Tribunal for Lebanon. By adopting this resolution, the Security Council has demonstrated its commitment to the principle that there shall be no impunity for political assassinations in Lebanon or elsewhere. Those who killed Rafik Hariri and so many others will be brought to justice and held responsible for their crimes. The Tribunal will also serve to deter future political assassinations. Those who might be tempted to commit similar crimes will know that there will be consequences for perpetuating political violence and intimidation in Lebanon.

We know that it was necessary and right for the Council to act now. The Council approved the Tribunal Agreement and Statute on 21 November 2006. Since that time, the legitimate and democratically elected Government of Lebanon and the parliamentary majority have tried, using every possible means, to convince the Speaker of parliament to fulfil his constitutional responsibility to convene parliament so that final action on the Tribunal could be taken, but to no avail.

Several influential parties visited Lebanon in an effort to find a framework within which parliament could be convened. These included the Arab League, United Nations Legal Counsel Nicolas Michel and the Secretary-General himself. After five months of tireless efforts to find a solution to the impasse facing his country, Prime Minister Siniora sent the Secretary-General a letter on 14 May (S/2007/281, annex) asking that the matter be put before the Security Council so that it could take a binding decision to establish the Special Tribunal. The Secretary-General endorsed the Prime Minister's request one day later, after concluding that all diplomatic efforts had been exhausted.

We would have preferred that the Lebanese ratify the Tribunal Agreement and Statute, but we know that that was not possible. No one can say that the Lebanese Government, the Secretary-General or the Security Council failed to pursue every possible option, short of Council action on the Tribunal. But those opposed to

the Tribunal made sure that there were no such options available.

We have heard many voices warn of the risks to peace and stability in Lebanon. We urge all parties to act responsibly in the days ahead and to abide by their obligations to support Lebanon's sovereignty and political independence.

For our part, we concluded that failure to act in support of Lebanon was unacceptable. There can be no peace or stability without justice.

In conclusion, the United States reaffirms its support for Lebanon. With the adoption of this resolution, we are confident that the Security Council will live up to its commitment to support Lebanon in its pursuit of justice.

I now resume my functions as President of the Security Council.

I shall now invite His Excellency Mr. Tarek Mitri, Minister of Culture and Minister for Foreign Affairs ad interim of Lebanon, to make a statement.

Mr. Mitri (Lebanon) (*spoke in Arabic*): I should like, on behalf of the Government of Lebanon, to warmly thank the Security Council for expressing its constant support for the independence, sovereignty, security and freedom of Lebanon on the basis of the principles underpinning international legitimacy and the Charter of the United Nations. The Council has never hesitated — particularly over the past two years — to express its sympathy and support for and commitment to Lebanon and its independence.

Indeed, ever since the Security Council adopted resolution 1595 (2005), which established an International Independent Investigation Commission to inquire into the assassination of the late Prime Minister Rafik Hariri and members of his entourage, and in its efforts to identify the perpetrators of that terrorist crime and other political assassinations and attempted assassinations perpetrated since October 2004, the Council has consistently supported Lebanon. It has adopted important resolutions to ensure that criminals are brought to justice and that there is no impunity. Those resolutions have been binding to ensure that justice is done.

The Council has left no room for doubt in expressing its commitment to Lebanon. Last summer, the Council supported our country when we were the target of a destructive and iniquitous Israeli aggression. The Council called upon the international community to play its role by bringing an end to that aggression and providing the necessary assistance and support at various levels to protect Lebanon's sovereignty and territorial integrity. Last week, the Council reaffirmed its support for Lebanon once again by condemning terrorist acts aimed at undermining our security, stability and vitality, as well as the role played by my country — a role based on moderation, openness, democracy and freedom.

Today, the Security Council has adopted a text that forms the basis for the establishment of the Special Tribunal for Lebanon in accordance with a methodology that has been very professionally and meticulously worked out so that it meets the highest legal criteria. I wish to express our warmest thanks to the sponsors of the resolution and to those who voted in favour of it, thereby enhancing the credibility and effectiveness of the United Nations in carrying out its responsibilities and helping Lebanon to do justice and protect peace and security.

I also wish to take this opportunity to express my warmest thanks to those States that abstained in the voting. Despite the reservations that they expressed regarding the resolution just adopted by the Council, they once again reaffirmed their commitment to the paramount importance for the principle of justice of the establishment of a special tribunal for Lebanon to identify criminals and deter the undermining of our freedom and sovereignty.

Our warmest thanks go also to the Secretary-General for his personal commitment to remain seized of the situation in Lebanon and for the sympathy and interest he has shown with respect to that situation, which has been among his highest priorities, owing to his unswerving commitment to the establishment of a tribunal. We wish moreover to thank his colleagues for their efforts.

We commend the positive atmosphere that has supported the cooperation between the Secretary-General's representatives and the Government of Lebanon. We are where we are today as a result of long-term joint endeavours by the Lebanese Government and the United Nations. Every opportunity has been taken in order to adopt the Statute of the Tribunal, to implement the agreement between the United Nations and the Government of Lebanon in

accordance with the provisions of the Lebanese constitution — and to ensure that that is done also by the Lebanese parliament.

We worked for the establishment of the Tribunal because unanimity existed within Lebanon, as reflected in the resolution and in our national dialogue. There was also international Arab unanimity regarding the establishment of the Tribunal, but the path that led us to the adoption of the resolution was strewn with obstacles. Parliament was unable to meet to discuss the establishment of the Tribunal, despite the fact that a majority of parliamentarians appealed for such a meeting.

This is now an opportunity for the Lebanese to recover their fundamental rights, first and foremost their right to embark on the path towards the truth. The truth must be raised up against those who have been involved in any way in terrorist crimes against our leaders, beginning with the assassination of former Prime Minister Hariri and including the murders of journalists, parliamentarians, writers and illustrious academics.

The Special Tribunal for Lebanon will certainly act as a deterrent to terrorist activities, and today's resolution will therefore serve to protect the Lebanese people, enhance our freedom, allow us to rid ourselves of such threats, and thus move forward.

Today's resolution does not reflect the victory of one party over another. Justice is the victor. Nor does it mean that one group of Lebanese now believe themselves to be stronger than the others or to enjoy the support of the international community to the detriment of others. On the contrary, the resolution will help to strengthen the rule of law and to bolster the foundations of democracy. It will enhance the independence of the judiciary vis-à-vis the political sphere, as sought by all the Lebanese people. It is therefore in the interests of all Lebanese who seek to advance justice hand in hand with stability.

No one can hope to compel the Lebanese to choose between their quest for justice and their right to peace, security and stability, nor is it acceptable under any standard for the Lebanese to be forced to choose one path over another or for responsibility for crimes perpetrated against Lebanese to be ascribed to the victims. Under the resolution adopted today and previous resolutions, the Council has expressed its commitment to justice and stability. It also recalls all the assassinations that have taken place in Lebanon and the prevailing situation there, which threatens peace and security not only in the region, but throughout the world.

Today, therefore, we can only commemorate the victims throughout Lebanon, the martyr Prime Minister Hariri and all martyrs brought low by the hands of terrorists. We say to them that truth is the path to freedom, justice and reconciliation. Therein lies the salvation of Lebanon.

The President: There are no further speakers on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 4.05 p.m.

United Nations S/PV.5686

Security Council

Sixty-second year

Provisional

5686th meeting

Wednesday, 30 May 2007, 4.10 p.m.

New York

President:	Mr. Khalilzad	(United States of America)
Members:	Belgium	Mr. Verbeke
	China	Mr. Li Junhua
	Congo	Mr. Gayama
	France	Mr. Lacroix
	Ghana	Mr. Christian
	Indonesia	Mr. Budiman
	Italy	Mr. Spatafora
	Panama	Mr. Arias
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Sulaiti
	Russian Federation	Mr. Smirnov
	Slovakia	Mr. Galbavý
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Johnston

Agenda

The situation in Burundi

First report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2007/287)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

07-36273 (E)

The meeting was called to order at 4.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

First report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2007/287)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/287, which contains the first report of the Secretary-General on the United Nations Integrated Office in Burundi. I should like to draw the attention of the members of the Council also to document S/2007/92, containing a letter dated 13 February 2007 from the Permanent Representative of France, transmitting the conclusions of the Security Council Working Group on children and armed conflict with respect to the report of the Secretary-General on children and armed conflict in Burundi (S/2006/851 and Corr.1).

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council welcomes the recent political developments in Burundi whereby the Government has taken a number of corrective steps aimed at promoting dialogue, national reconciliation and social harmony. It also takes note with appreciation of the measures taken to improve economic governance and the transparency and accountability of public institutions. It encourages the authorities to remain committed to pursuing these measures and to completing the reforms agreed upon in the agreements reached in Arusha in 2000, in Pretoria in 2003 and in Dar-es-Salaam in 2006, and calls on all Burundian political stakeholders to maintain the spirit of dialogue, consensus-building and inclusiveness, including in addressing the issue of power-sharing in an equitable manner, that enabled them to achieve a successful transition in their country.

"The Security Council welcomes the establishment of the United Nations Integrated Office in Burundi (BINUB) and the support it provides to the peace consolidation process.

"The Security Council commends the efforts undertaken by the African Union Special Task Force and the South African Facilitation, in support of the Dar-es-Salaam Comprehensive Ceasefire Agreement of 7 September 2006. The Security Council calls on both parties to pursue their efforts to resolve outstanding issues in a spirit of cooperation. It welcomes the resumption of the work of the Joint Verification Monitoring Mechanism (JMMV) on 28 May 2007 in order to address and remove the obstacles in the implementation of the Ceasefire Agreement. It encourages in particular the Government of Burundi to remain committed to finding a political solution to the current deadlock, and urges the Forces Nationales de Libération (Palipehutu-FNL) to fulfil expeditiously their obligations under the Comprehensive Ceasefire Agreement. It also invites BINUB and the African Union to continue to support these efforts.

"The Security Council urges the Government to intensify its efforts on all aspects of reform of the security sector and to address the issue of human rights abuses committed by members of the security services, including by bringing perpetrators to justice, and encourages international partners, including BINUB in accordance with its mandate, to increase their support for this endeavour.

"The Security Council urges the Government to step up its efforts to combat impunity and to promote and protect human rights, paying in this context particular attention to reducing the high level of gender-based violence and of violence against children. It encourages the Secretary-General and the Burundian authorities to pursue their dialogue with a view to agreeing on the establishment of a transitional justice mechanism based on the highest standards of justice and international human rights.

"The Security Council recalls the conclusions of its Working Group on children and

armed conflict pertaining to parties in the situation of armed conflict in Burundi (S/2007/92), and calls upon the Government of Burundi and all parties, as well as United Nations agencies and donor Governments, to cooperate with the Working Group with a view to following up on those conclusions.

"The Security Council welcomes the briefing by the Chair of the Organizational Committee of the Peacebuilding Commission on its activities relating to Burundi and, in this context, encourages the Government of Burundi and BINUB to work closely with all stakeholders in order to devise a sound strategic framework to foster the commitment of the Government of Burundi and all its partners to the priorities for consolidating peace in Burundi. The Security Council stresses the need to ensure broad national ownership of the Strategic Framework, and looks forward to receiving further advice on Burundi from the Peacebuilding Commission, particularly on those issues covered by the Strategic Framework. It welcomes the outcome of the round table convened by the Government with the support of the United Nations on 24 and 25 May in Bujumbura and urges donors to disburse the funds pledged at this occasion.

"The Security Council welcomes the revival of the Economic Community of the Countries of the Great Lakes Region (CEPGL), the Great Lakes Conference process and the upcoming formal accession of Burundi to the East African Community. It also welcomes the Government's commitment to the ratification of the Pact on Security, Stability and Development in the Great Lakes Region at the next parliamentary session. It encourages Burundi and all countries in the region to sustain their efforts to foster peace, stability and mutually beneficial development."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2007/16.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 4.20 p.m.

United Nations S/PV.5687

Security Council

Sixty-second year

Provisional

5687th meeting

Thursday, 7 June 2007, 10 a.m.

New York

President:	Mr. Verbeke	(Belgium)
Members:	China	Mr. Wang Guangya
	Congo	Mr. Gayama
	France	Mr. De La Sablière
	Ghana	Mr. Christian
	Indonesia	Mr. Kleib
	Italy	Mr. Mantovani
	Panama	Mr. Suescum
	Peru	Mr. Chávez
	Qatar	Mr. Al-Bader
	Russian Federation	Mr. Rogachev
	Slovakia	Mr. Burian
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Khalilzad

Agenda

Reports of the Secretary-General on the Sudan

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07-37181 (E)

The meeting was called to order at 10.15 a.m.

Expression of thanks to the retiring President

The President (*spoke in French*): As this is the first meeting of the Security Council for the month of June, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Zalmay Khalilzad, Permanent Representative of the United States of America to the United Nations, for his service as President of the Security Council for the month of May 2007. I am sure that I speak for all members of the Council in expressing sincere appreciation to Ambassador Khalilzad for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

It is so decided.

I invite Mr. Luis Moreno-Ocampo to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court. I now give him the floor.

Mr. Moreno-Ocampo: Thank you, Mr. President, for this opportunity to brief the Security Council on the activities of my Office. Since my report of December last year (see S/PV.5589), I presented evidence, on 27 February 2007, to the judges of the International Criminal Court.

The judges rendered their decision on 27 April 2007. The judges found that the evidence presented offered reasonable grounds to believe that Ahmad Muhammad Harun, former Minister of State for the Interior of the Government of the Sudan, and Ali Muhammad Ali Abd-Al Rahman, otherwise known as Ali Kushayb — a militia/Janjaweed leader — joined together to persecute and attack civilians in Darfur.

The Prosecution's case demonstrated how Ahmad Harun organized a system through which he recruited militia/Janjaweed, funded militia/Janjaweed and armed militia/Janjaweed to supplement the Sudanese Armed Forces and incited them to attack and commit massive crimes against the civilian population in Darfur. The prosecution's case demonstrated that Ali Kushayb, by personally delivering arms and leading attacks against villages, was a key part of that system. Acting together, they committed crimes against humanity and war crimes.

The judges have issued arrest warrants against Mr. Harun and Mr. Kushayb. In accordance with the Court's decision, the Registry is in the process of transmitting requests for cooperation to execute the warrants.

The ongoing situation in Darfur remains alarming. There are 4 million people in need of humanitarian assistance in the region. There are 2 million internally displaced people, immensely vulnerable. There are continuing attacks against them and against international workers, as well as frequent impediments by the authorities to the delivery of assistance. Presiding over this dire situation is Ahmad Harun, the same individual sought by the Court. Ahmad Harun is now Minister of State for Humanitarian Affairs. This is the same man who in 2003, at a public meeting, declared that in being appointed to the Darfur security desk, he had been given all the power and authority to kill or forgive whoever in Darfur, for the sake of peace and security.

The law requires the appearance of Ahmad Harun and Ali Kushayb in court. That major challenge demands the unconditional cooperation of all. The Security Council and regional organizations must take the lead in calling on the Sudan to arrest the two individuals named and surrender them to the Court. The territorial State, the Sudan, has the legal obligation and the ability to do so. And we count on every State to execute an arrest should either of those individuals enter their territory. We hope that the cooperation of the Sudan with the International Criminal Court can be

addressed during the Security Council's mission to Khartoum.

The Darfur situation requires a comprehensive solution. The International Criminal Court is doing its part. The Office will complete its first investigation and will continue to evaluate information about current crimes. As the Rome Statute emphasizes, justice for past and present crimes will enhance security in Darfur.

The Darfur investigation has been ongoing for just over two years. My Office has conducted an independent and impartial investigation. We have focused on some of the most serious crimes and on the individuals who, according to the evidence collected, bear the greatest responsibility for those crimes. Our case focuses on incidents in 2003 and 2004 when the highest number of crimes was recorded. Crimes were committed in Darfur in the context of an armed conflict between the Sudanese security forces, along with the militia/Janjaweed, and organized rebel groups, including the Sudan Liberation Army and the Justice and Equality Movement.

From 2003 on, the conduct of the counter-insurgency campaign resulted in attacks against mainly the Fur, Masalit and Zaghawa civilian populations who were deemed to support or sympathize with the rebels. Acting together in that campaign the Sudanese Armed Forces and the militia/Janjaweed carried out attacks in Kodoom, Bindisi, Mukjar and Arawala approximately between August 2003 and March 2004. They did not target any rebel presence within those villages. Rather, they attacked these villages based on the rationale that those civilians were supporters of the rebels. That strategy became the justification for the mass murder and mass rape of civilians who were known not to be participants in any armed conflict. It achieved the forced displacement of entire communities.

In its decision on 27 April, the Pre-Trial Chamber determined that there were reasonable grounds to believe that Ahmad Harun and Ali Kushayb are criminally responsible for the crimes described by the prosecution, namely 51 counts of crimes against humanity such as persecution, murder, rape and other forms of sexual violence, torture, cruel treatment, unlawful imprisonment, pillaging and forcible transfer of civilians, and war crimes such as rape, intentionally attacking civilians and pillaging.

Ahmad Harun was appointed Minister of State for the Interior shortly after the April 2003 rebel attack on the Al Fashir airport. Ahmad Harun was also tasked to head the Darfur security desk. He had gained experience mobilizing and recruiting militia to serve in counter-insurgency efforts whilst in Kordofan, South Sudan, during the 1990s.

In our cases, State and local security committees in Darfur, which were comprised of representatives of the army, the police and intelligence agencies, reported to Ahmad Harun, especially on matters relating to the staffing, funding and arming of the militia/Janjaweed in the context of the counter-insurgency. Ali Kushayb — "Aqid al Oqada" or "colonel of colonels" in the Wadi Salih locality of West Darfur — personally led militia/Janjaweed during attacks on the four villages mentioned, presiding over summary executions and mass rapes.

The next step should be the arrest of Mr. Harun and Mr. Kushayb and their appearance in court, followed by proceedings relating to confirmation of the charges. In parallel, to uphold its duty to protect victims and witnesses, my Office continues to monitor the security of witnesses and to implement protective measures. Let me also reiterate in that context the importance of witness relocation agreements.

In addition, as indicated in my December 2006 report, the Office is continuing to gather information about current crimes committed by all the parties to the conflict in Darfur and is monitoring the spillover of violence in Chad and the Central African Republic, which are both States parties to the Rome Statute. Let me emphasize, in that respect, a number of strong concerns.

First, in Darfur there are serious allegations of indiscriminate and disproportionate Sudanese Government air strikes from January through April, with some villages bombarded for as long as 10 days. There are allegations of crimes by rebel forces, including against international personnel. There are reports of attacks against internally displaced persons, in particular the rape of women venturing outside the camps. And there is information about local clashes, some allegedly motivated by efforts to reward those collaborating with the militia/Janjaweed. We are conducting a preliminary judicial analysis of all of that.

From the information gathered, it appears that the parties to the conflict continue to violate international humanitarian law. The Office reiterates that those bearing the greatest responsibility must be brought to

justice. It is of particular concern to my Office that Ahmad Harun, an individual sought by the Court for atrocities committed against the civilian population — atrocities that forced their displacement — is still today Minister of State for Humanitarian Affairs in the Government of the Sudan, with the responsibility to watch over these vulnerable people and the international personnel helping them. I ask the Council to address that unacceptable situation during its next mission to Khartoum.

Secondly, in eastern Chad the Office has gathered data on reported attacks in the villages of Tiero and Marena in March 2007 and attacks on refugee camps. Incursions from militia/Janjaweed from the Sudan have been reported, as well as the presence of Sudanese rebels in Chad and the presence of Chadian rebels in the Sudan. Any alleged crimes taking place in 2007, since Chad became a State party, are subject to the jurisdiction of the International Criminal Court.

Thirdly, on 22 May my Office announced the opening of an investigation in the Central African Republic. That investigation is focused on crimes allegedly committed during the years 2002 and 2003, when there was a large-scale commission of crimes including a huge number of rapes. My Office is also monitoring the situation throughout the Central African Republic, including reports of violence in the north since 2005. On the border with Darfur, there have been incidents of violence in the context of allegations of support for rebel groups from the Sudan.

Since my first report to the Security Council, in June 2005 (see S/PV.5216), the Office has devoted considerable efforts to assessing whether its case was admissible under the Statute. Let me emphasize, as I have in the past, that this admissibility assessment is not a judgement regarding the Sudanese justice system as a whole, but an assessment of whether the case selected by the Prosecution has been or is being investigated by the Sudan.

The Prosecution has followed closely all accountability initiatives of the Sudanese authorities. In a series of exchanges with the Government of the Sudan, the Office sought updates on the status of national proceedings. The Sudanese Ministry of Justice reported in a 9 December letter that 14 persons had been arrested in relation to incidents in South Darfur and West Darfur. Ali Kushayb was one of those named in connection with those incidents.

In a mission to Khartoum carried out from 27 January to 7 February 2007 to analyse those developments, the Office met with the Minister of Justice, the Under-Secretary for the Ministry of Justice, the Chief Justice of West Darfur and the President of the Special Court for West Darfur. We interviewed the three special advisers of the Judicial Investigation Committee.

The Prosecution's case is concerned with Ahmad Harun and Ali Kushayb joining together as part of a systematic and organized initiative to attack civilian populations in Darfur. There is no investigation in the Sudan into such criminal conduct. No proceedings have taken place in relation to Ahmad Harun. And the investigation concerning Ali Kushayb does not relate to the same incidents as those investigated by the Office; it does not connect Ali Kushayb to Ahmad Harun. The Sudanese investigations do not encompass the same persons or the same conduct that are the subject of the case before the Court. The Pre-Trial Chamber concluded that the case against Ahmad Harun and Ali Kushayb falls within the jurisdiction of the Court and appears to be admissible.

Paragraph 2 of resolution 1593 (2005) requires the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with and provide necessary assistance to the Court and the Prosecutor. Since the beginning of our investigation, the participation of the Government of the Sudan in the process has been important to ensure a full picture of the events in Darfur. A degree of cooperation has been forthcoming. However, requests for assistance — including requests to question Ahmad Harun and Ali Kushayb — remain outstanding. In a 15 February letter, Mr. Ali Karti, Minister of State for Foreign Affairs, confirmed the Government's refusal to allow for such questioning.

Major interlocutors with the Government of the Sudan have encouraged them to assume their responsibility to cooperate with the International Criminal Court. We are grateful for their support. In a 17 April letter, the Office sought clarification from the Sudanese Government as to its intention whether or not to cooperate. No response was forthcoming; on the contrary, a number of statements were made publicly and continue to be made to the effect that the Government of the Sudan will not work with the Court.

Resolution 1593 (2005) invites the Court and the African Union to discuss practical arrangements for facilitating the work of the Prosecutor and the Court. The Office has met regularly with African States and with representatives of the African Union. The President of the Court, the Prosecutor and the Registrar were invited to brief the African Union's Permanent Representatives Committee on 1 March. I am grateful for the support of the African Union presidency in that regard. The President of the Court, the Registrar and I will meet with the President of the African Union, Ghanaian President John Kufuor, on 20 June.

Discussions are also progressing in relation to the conclusion of a memorandum of understanding dealing with the general relationship between the Court and the African Union. Other contacts have been helpful. The Office has benefited from exchanges of views with Special Envoys Jan Eliasson of the United Nations and Salim Salim of the African Union. I am regularly briefing the Secretary-General of the League of Arab States, as well as the States members of the League. Their understanding of the independence and impartiality of the Office is, and will continue to be, crucial.

The Court continues to improve its understanding of local communities; that was the purpose of the Registrar's recent visit to Chad. Relevant Court documents have been translated into Arabic and disseminated, also for that purpose.

In resolution 1593 (2005), the Security Council concluded that justice and accountability are critical components to achieving lasting peace in Darfur. The Office is now moving forward to finalize its preparations for pre-trial proceedings against Mr. Harun and Mr. Kushayb. The key is their arrest and surrender.

The Office relies on the Security Council, on United Nations Member States, on the States parties to the Rome Statute and on its key partners — the African Union and the League of Arab States — to continue to encourage the Sudan to arrest and surrender Ahmad Harun and Ali Kushayb to the International Criminal Court.

The President (*spoke in French*): I thank Mr. Moreno-Ocampo for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to a private meeting following the adjournment of this meeting.

The meeting rose at 10.40 a.m.

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Security Council

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Official communiqué of the 5688th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Thursday, 7 June 2007, at 10.55 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 5688th meeting, held in private on 7 June 2007, the Security Council considered the item entitled 'Reports of the Secretary-General on the Sudan'.

"In accordance with the decision taken at the 5687th meeting held earlier on 7 June 2007, the President extended an invitation under rule 39 of the Council's provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

"The members of the Council and Mr. Luis Moreno-Ocampo had an exchange of views."

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